

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILLIAM P. GRADER and JAMES E.  
GRADER,

Petitioners,

v.

JEANNINE A. GRADER, GORDON  
SWANSON, and JOHN H. GRADER,

Respondents.

C20-709 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Petitioners' motion to remand, docket no. 8, is GRANTED. Petitioners' action under Washington's Trust and Estate Dispute Resolution Act ("TEDRA"), originally filed in state court, involved a claim against Jeannine Grader for breach of fiduciary duties. The state court ordered a final accounting and authorized discovery, but reserved all other claims, including damages, for later determination. Minute Entry and Order on Initial TEDRA Hearing (docket no. 7 at 153-155). Thereafter, by letter dated October 31, 2019, Jeannine Grader's attorney acquired actual knowledge that damages of \$240,189 were sought against his client. Ex. B to Dale Decl. (docket no. 8-1 at 44-46). Respondent Jeannine Grader's removal of this matter in May 2020, substantially more than thirty (30) days later, was untimely. See 28 U.S.C. § 1446(b)(3).

(2) Petitioners' request for attorney's fees and costs pursuant to 28 U.S.C. § 1447(c) is also GRANTED. Petitioners shall file any motion and supporting declaration for attorney's fees and costs within ten (10) days of the date of this Minute Order.

1 (3) This case is REMANDED to the Superior Court of the State of Washington  
2 in and for Snohomish County, effective fourteen (14) days after the date of this Minute  
3 Order. At the time this remand takes effect, the Clerk shall mail a certified copy of this  
Minute Order to the Clerk of the Snohomish County Superior Court. See 28 U.S.C.  
§ 1447(c).

4 (4) Respondent Jeannine Grader's motion to dismiss, docket no. 18, is  
5 STRICKEN without prejudice to refiling in the Snohomish County Superior Court after  
the remand of this matter is effectuated.

6 (5) The Clerk is further DIRECTED to send a copy of this Minute Order to all  
7 counsel of record.

8 Dated this 16th day of July, 2020.

9 William M. McCool  
Clerk

10 s/Karen Dews  
11 Deputy Clerk  
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